

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

RSR ART, LLC,

Plaintiff,

V.

BOB ROSS, INC.,

Defendant.

Civil No. 1:17-cv-01077-LO-TCB

**DECLARATION OF DAVID G. BARGER, ESQ. IN SUPPORT OF
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

I, David G. Barger, declare and state as follows:

1. I am an attorney at Greenberg Traurig, LLP (“GT”), counsel of record for Defendant Bob Ross, Inc. (“Defendant” or “BRI”). I am submitting this Declaration in support of Defendant’s Memorandum of Law in Support of its Motion for Summary Judgment. I am over the age of 21, competent to give this Declaration, and do so based on personal knowledge of the facts stated herein.

2. Attached hereto as Exhibit A is a true and correct copy of the Articles of Incorporation for Bob Ross, Inc., dated December 6, 1984.

3. Attached hereto as Exhibit B is a true and correct copy of payroll records and Form W-2's for Robert N. Ross from 1986 through 1995.

4. Attached hereto as Exhibit C is a true and correct copy of Affidavit of Bob Ross signed on June 27, 1986 and a true and correct copy of U.S. Trademark Registration Number 1,430,222, registered on February 24, 1987.

5. Attached hereto as Exhibit D is a true and correct copy of Consent Declaration of Living Individual for Robert N. Ross signed on July 9, 1990 and a true and correct copy of U.S. Trademark Registration Number 1,634,026, registered on February 5, 1991.

6. Attached hereto as Exhibit E is a true and correct copy of Consent Declaration of Living Individual for Robert N. Ross signed on July 9, 1990 and a true and correct copy of U. S. Trademark Registration Number 1,631,236, registered on January 15, 1991.

7. Attached hereto as Exhibit F is a true and correct copy of the Consent Declaration of Living Individual for Robert N. Ross signed on July 9, 1990 and a true and correct copy of U.S. Trademark Registration Number 1,640,445, registered on April 9, 1991.

8. Attached hereto as Exhibit G is a true and correct copy of the Consent Declaration for Robert N. Ross signed on September 25, 1990 and a true and correct copy of U.S. Trademark Registration Number 1,681,031, registered on March 31, 1992.

9. Attached hereto as Exhibit H is a true and correct copy of the License Agreement dated August 4, 1989 between Bob Ross, Inc. and Martin F. Weber Co.

10. Attached hereto as Exhibit I is a true and correct copy of the Contract dated July 1, 1990 between Bob Ross, Inc., and WIPB-TV.

11. Attached hereto as Exhibit J is a true and correct copy of the Letter Agreement dated December 12, 1990 between Bob Ross, Inc., and WIPB-TV.

12. Attached hereto as Exhibit K is a true and correct copy of U.S. Trademark Registration No.: 2,028,460 registered on January 7, 1997.

13. Attached hereto as Exhibit L is a true and correct copy U.S. Service Mark Registration Number 2,029,815, registered on January 14, 1997.

14. Attached hereto as Exhibit M is a true and correct copy of the Settlement Agreement dated April 30, 1997 between and among Bob Ross, Inc., the Estate of Robert N. Ross, the Robert N. Ross Revocable Trust, and Walter and Annette Kowalski.

15. Attached hereto as Exhibit N is a true and correct copy of the Assignment & Confirmation By Estate of Robert N. Ross dated April 30, 1997.

16. Attached hereto as Exhibit O is a true and correct copy of the Mutual Release dated April 30, 1997 between Jimmie L. Cox, Personal Representative of the Estate of Robert N. Ross and Bob Ross, Inc.

17. Attached hereto as Exhibit P is a true and correct copy of the Mutual Release dated April 30, 1997 between Jimmie L. Cox, Trustee of the Robert N. Ross Revocable Trust and Bob Ross, Inc.

18. Attached hereto as Exhibit Q are true and correct copies of excerpts from the deposition taken in this action of Lawrence Dennis Kapp on May 4, 2018.

19. Attached hereto as Exhibit R are true and correct copies of excerpts from the deposition taken in this action of Stephen R. Ross on May 7, 2018.

20. Attached hereto as Exhibit S is a true and correct copy of U.S. Trademark Registration No. 4,190,723, registered on August 14, 2012.

21. Attached hereto as Exhibit T is a true and correct copy of a letter dated March 9, 2017 from Mark V.B. Partridge to Morris A. Nunes.

22. Attached hereto as Exhibit U is a true and correct copy of the First Amendment to the Restatement of the Robert N. Ross Revocable Trust dated May 25, 1995.

23. Attached hereto as Exhibit V is a true and correct copy of the Assignment of Rights and Interests in Intellectual Property dated May 25, 1995.

24. Attached hereto as Exhibit W is a true and correct copy of the Assignment dated October 27, 2016 between Jimmie L. Cox and Robert Stephen Ross.

25. Attached hereto as Exhibit X is a true and correct copy of the Assignment and Transfer Agreement dated February 10, 2017 between Robert Stephen Ross and RSR Art, LLC.

26. Attached hereto as Exhibit Y is a true and correct copy of the *Nunc Pro Tunc* Assignment and Transfer Agreement dated May 26, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of July, 2018 at McLean, Virginia.

/s/ David G. Barger
David G. Barger